

May 3, 2006 BZA



REQUEST ANALYSIS  
AND  
RECOMMENDATION

06AN0266

Robert John Martinko

Clover Hill Magisterial District  
Vicinity of 9229 Reams Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in an Agricultural (A) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

GENERAL INFORMATION

Location:

This request lies on 1.4 acres located 365.46 feet southwest of Reams Road measured from a point approximately 120 feet northwest of Wadsworth Drive in the vicinity of 9229 Reams Road. Tax ID 752-699-Part of 1038 (Sheet 6).

Existing Zoning:

A

Size:

1.4 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - A and R-9; Residential  
South - A and R-9; Residential and vacant  
East - A and R-9; Residential  
West - R-9; Residential

Utilities:

Public water and sewer

General Plan:

(Northern Area Land Use and Transportation Plan)	Residential (1.51 to 4.0 units per acre)
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DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The access to the dwelling will be over a private easement from Point A to Point B, as shown on the attached map.

The applicant provides the following justification in support of this request:

The Agees, Jean and James, are long time Chesterfield residents who are the owners of the subject property along with their daughter and her husband. They are retired senior citizens, on fixed incomes, who are dealing with health difficulties. Mr. Agee has emphysema, is on oxygen twenty-four (24) hours a day and has limited mobility. The goal is to utilize the property that they currently own to build a financially manageable handicapped accessible dwelling. This property is also adjacent to a home owned and occupied by relatives. The Agees currently live in an older two (2) story home which would be cost prohibitive to convert to accommodate a handicapped individual. A family split of the 2.4 acre parcel will permit the Agees to build a new dwelling close to relatives without incurring a lot acquisition cost.

Chesterfield County Assessors' records indicate that the subject property is owned by Margaret Reams' estate, in care of Jean Agee, in 1987. In 2002, the property was transferred to RVJ, LLC, in

care of Jean Agee. This property consists of 2.278 acres. The applicant's representative, Robert J. Martinko, indicates that Jean Agee is proposing to subdivide the property into two (2) separate parcels.

The back property will consist of 1.4 acres and will have no public road frontage necessitating the need for this request. Mr. Martinko indicates the back property will be created through an immediate family split. If a parcel is being created by an immediate family subdivision, then the property owner will be required to make application for a family parcel subdivision.

If frontage and width standards cannot be met, the parcel is eligible to apply for a Variance. Therefore, the applicant is applying for relief to the Zoning Ordinance relative to the fifty (50) foot road frontage requirement (Section 19-551).

The applicant's representative has indicated that the proposed access will be along the existing driveway for the residence at 9229 Reams Road (Point A), and it will extend approximately 365 feet southwest to the front property line of the subject property (Point B).

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property owner's immediate family or complies with the plat validation process. In this case, the property is being sold or given to a member of the property owner's immediate family. The Board of Zoning Appeals must determine if a public road must be constructed to State standards or a Variance granted for no public road frontage.

Staff visited the property and observed the access and the subject property are unimproved.

The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Conditions 2(b), 2(c) and 2(e) will cover their concerns, if approved.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. Staff finds no physical hardship to the property owner if this Variance were denied. Staff finds no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

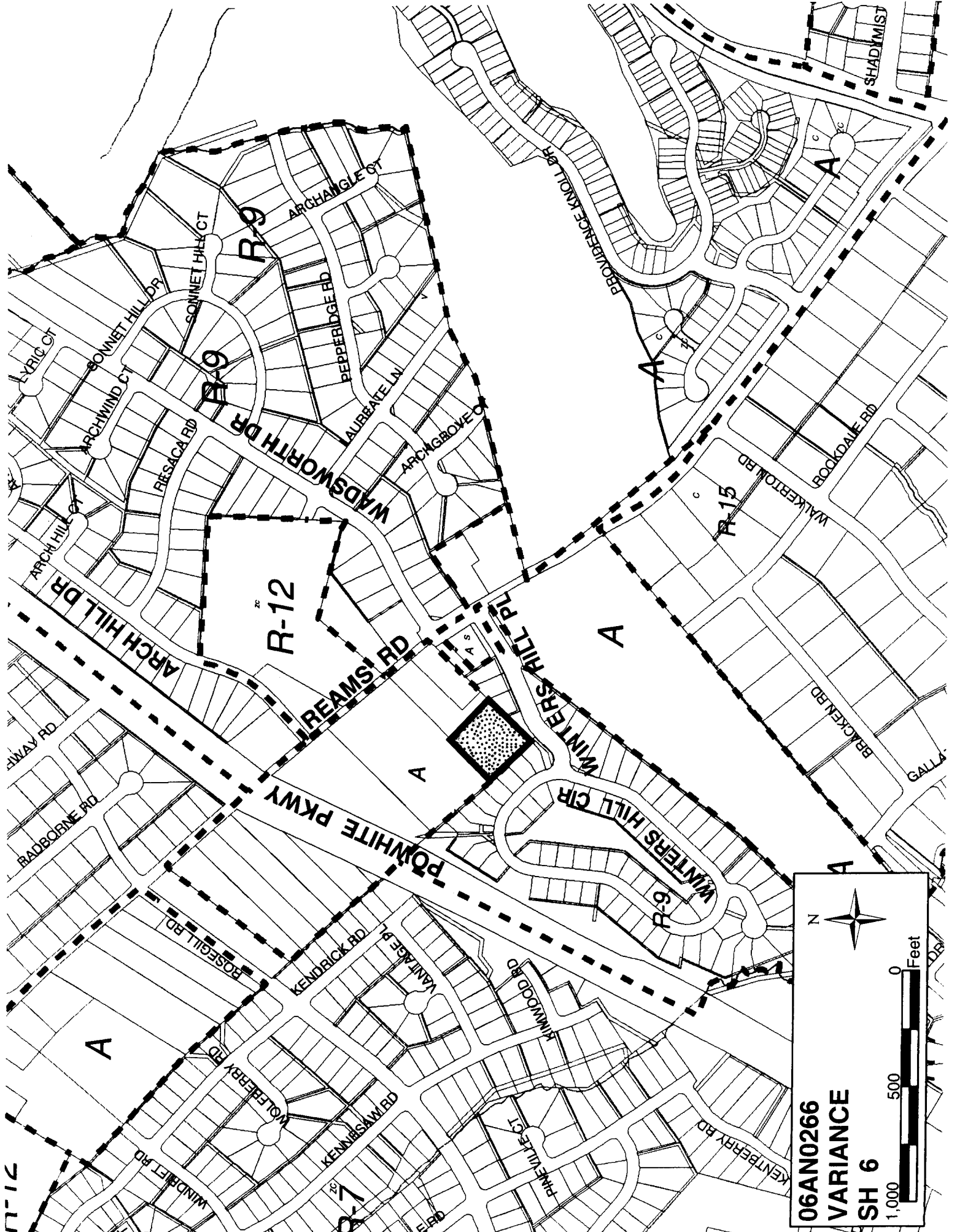
## CONDITIONS

1. When the applicant applies for a building permit, the applicant shall provide a copy of a recorded instrument which will include:

A thirty (30) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report.
2. The private access easement shall meet the following requirements:
  - (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;
  - (b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:
  - (c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
  - (d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
  - (e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
  - (f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.
  - (g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
  - (h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to

the property. The house numbers shall be displayed in at least four (4) inch high numbers.

4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.



**06AN0266**  
**VARIANCE**  
**SH 6**

1,000 500 0 Feet

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